

REMARKS

This application has been carefully reviewed in light of the final Office Action dated June 24, 2009. Claims 1, 5, 7 to 9, 11 to 13, and 15 to 22 are in the application, with Claims 1 and 20 being independent. Claim 14 has been cancelled without prejudice. Claims 20 to 22 have been newly added. Reconsideration and further examination are respectfully requested.

Claims 1 to 8 and 13 to 18 were rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 6,235,427 (Idota). Claims 9, 11, and 12 were rejected under 35 U.S.C. § 103(a) over Idota, and further in view of U.S. Publication No. 2002/0146623 (Suzuki). Claim 19 was rejected under 35 U.S.C. § 103(a) over Idota in view of WO 2001/41249 (Nakanishi) using U.S. Patent No. 6,723,472 as a translation. These rejections are respectfully traversed.

Claim 1 recites, *inter alia*, (a) the particles of the alloy are in the form of a fine powder, and an uppermost surface of the fine powder is covered with a thin oxide film having a thickness in the range of 2 to 10 nm to prevent the fine powder from reacting with oxygen, (b) one element selected from the group consisting of boron, yttrium and zirconium is added to the alloy at the solid solution threshold or more to make the crystallite size of the alloy smaller, and (c) in the case that boron is added to the alloy, the amount of boron added is in the range of 0.1 to 5% by weight, and in the case that yttrium or zirconium is added to the alloy, the amount of yttrium or zirconium added is in the range of 0.1 to 1% by weight.

None of Idota, Suzuki, and Nakanishi, even in the proposed combinations,

assuming, *arguendo*, that such could be combined, is seen to disclose or suggest at least the above-discussed features.

Claim 20 recites, *inter alia*, (i) the alloy is selected from the group consisting of Si-Ti alloy, boron doped Si-Ti alloy, Si-Sn-Ti alloy, Si-Sn-Al alloy, Si-Zn-Al alloy, Si-Al-Cu alloy, Si-Sn-Al-Ti alloy, Si-Sn-Zn alloy, Si-Sn-Ag alloy, Si-Sn-Zn-Ti alloy, Si-Al-B alloy, Si-Sn-Sb alloy, Si-Sn-Sb-B alloy, Si-Sn-Cu-B alloy, Si-Sn-Al-B alloy, Si-Sn-Al-Sb alloy and Si-Sn-Al-Sb-B alloy, and (ii) the alloy has a silicon content of 50 weight % or higher and 95 weight % or lower.

Idota, Suzuki, and Nakanishi are also not seen to disclose or suggest the above-discussed features recited by Claim 20.

Idota discloses a Si-Ag-Sn alloy. See col. 29, line 50. However, the weight ratio of this Si-Ag-Sn alloy is described as 20:70:10, which falls outside of the claimed silicon content range.

The dependent claims are also submitted to be patentable because they set forth additional aspects of the present invention and are dependent from the independent claims discussed above. Therefore, separate and individual consideration of each dependent claim is respectfully requested.

Finally, Applicants note that they have not yet received an indication that the documents cited in the April 7, 2009 and June 30, 2009 Information Disclosure Statements have been considered. Accordingly, Applicants respectfully request that the Examiner indicate such consideration by returning initialed copies of the Information Disclosure Statements with the next Office communication.

The application is believed to be in condition for allowance, and a Notice of Allowance is respectfully requested.

No fees are believed due; however, should it be determined that additional fees are required, the Director is hereby authorized to charge such fees to Deposit Account 06-1205.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office by telephone at (714) 540-8700. All correspondence should be directed to our address given below.

Respectfully submitted,

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